

TREATY OF LIMERICK.

Copy of the Letters Patent wherein the Civil Articles for the Surrender of the Treaty of *Limerick*, in the Year 1691, were ratified and exemplified by King *William the Third* and Queen *Mary*.

A RETURN and " Copy of the Letters Patent wherein the Civil Articles " for the Surrender of the Treaty of *Limerick*, in the year 1691, were " ratified and exemplified by King *William the Third* and Queen *Mary*," appearing enrolled in the Office of the Rolls of His Majesty's High Court of Chancery in Ireland.

WILLIAM and MARY, by the Grace of God of England, Scotland, France and Ireland King and Queen, Defenders of the faith, &c. TO all to whom the presents shall come greeting: Whereas certain Articles bearing date y^e third day of October last past, made and agreed on between our Justices of our Kingdom of Ireland and our Generall of our forces there on the one part, and severall Officers there commanding within the city of Limerick in our said Kingdom on the other part, whereby our said Justices and Generall did undertake that Wee should ratifie those articles within the space of eight moneth or sooner, and use their utmost endeavors that the same should be ratified and confirmed in Parliament; the tenor of which said articles is as follows; (viz^t) ARTICLES agreed upon the third day of October one thousand six hundred ninety and one, between the Right honourable Sir Charles Porter, knight, and Thomas Coningsby, esquire, Lords Justices of Ireland, & his Excellency the Baron de Ginckell, Lieut-General and Commander in Chiefe of y^e English Army on the one part, & the Right honourable Patrick Earle of Lucan, Pierrey Viscount Galmoy, Colonel Nicholas Purcell, Colonel Nicholas Cusack, S^r Toby Butler, Colonel Garrett Dillon, and Colonel John Browne on the other part, in y^e beholfe of the Irish inhabitants in the city and county of Limerick, y^e countyes of Clare, Kerry, Cork, Sligo and Mayow; In consideration of the surrender of the city of Limerick, and other agreements made between the said Lieut-General Ginckell, the governour of the city of Limerick, & the Generalls of y^e Irish Army, bearing date with these presents, for the surrender of the said city and submission of the said army; It is agreed:

That (1.) the Roman Catholicks of this kingdom shall enjoy such priviledges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles y^e Second; & their Maties, as soone as their affaires will pmit them to summon a Parliam^t in this kingdom, will endeavour to procure the said Roman Catholicks such further security in that picular as may preserve them from any disturbance upon the account of their said religion.

2. All y^e inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and souldiers now in armes under any comission of King James, or those authorized by him to grant the same, in the severall countyes of Limerick, Clare, Kerry, Cork, and Mayow, or any of them, & all y^e commissioners officers in their Maties quarters that belong to the Irish regiments now in being, that are treated with & who are not prisoners of war, or have taken pcedon & who shall returne and submit to their Majesties obedience, and their and every of their heires, shall hold, possesse and enjoy all & every their estates of freehold and inheritance, and all their rights, titles and interests, priviledges and immunities,

immunities, which they and every or any of them held, enjoyed, or were rightfully & lawfully entitled to in the reign of King Charles y^e Second, or att any time since, by y^e laws and statutes that were in force in the said reign of King Charles y^e Second, & shall be putt in possession by order of the Government of such of them as are in the King's hands, or the hands of his tenants, without being putt to any suite or trouble therein; and all such estates shall be freed & discharged from all arrears of crowne rents, quit rents, and other public charges incurred & become due since Michaelmas one thousand six hundred eighty and eight to the day of the date hereof; and all persons comprehended in this article shall have, hold and enjoy all their goods & chattels, real & personall to them or any of them belonging & remaining, either in their owne hands or the hands of any persons whatsoever in trust for or for the use of them or any of them; and all and every the said persons, of what profession, trade or calling soever they bee, shall and may use, exercise and practice their severall and respective professions, trades and callings as freely as they did use, exercise & enjoy the same in the reign of King Charles y^e Second; provided that nothing in this article contained bee construed to extend to or restore any forfeiting person now out of the kingdom excepted what are hereafter comprised; pvided alsoe, that noe person whatsoever shall have or enjoy the benefit of this article that shall neglect or refuse to take the Oath of Allegiance made by Act of Parliam^t in England, in the first yeare of the reign of their present Ma^{ty}, when therunto required.

3. All merchants or reputed merchants of the city of Limerick, or of any other garrison now possesed by y^e Irish, or of any towne or place in the countyes of Clare or Kerry who are absent beyond the seas that have nott borne armes since their Ma^{ty} declaracion in february one thousand six hundred eighty-eight, shall have the benefit of the Second Article in the same manner as if they were present, pvided such merchants & reputed merchants doe repaire into this kingdom within the space of eight months from the date hereof.

4. The following officers, (viz^t) Colonell Symon Luttrell, Captain Rowland White, Maurice Eustace of Yerman's towne, Chivers of Maystowne, commonly called Mountkinster, now belonging to the regim^t in the foresaid garrisons & quarters of the Irish army who are beyond the seas, and sent thither upon affaires of their respective regim^t or the army in generall, shall have y^e benefit and advantage of the Second Article, pvided they returne hither within the space of eight months from the date of these presents, and submitt to their Majesties Governm^t and take the above-mentioned oath.

5. That all & singular the said persons comprised in the second and third articles shall have a genall pardon of all attainders, outlawries, treasons, misprisions of treasons, premunures, felonies, trespasses and other crimes and misdemeanours whatsoever, by them or any of them committed since the beginning of the reign of King James the Second, and if any of them are attainted by Parliam^t the lords justices and generall will use their best endeavours to get the same repealed by Parliam^t, and the outlawries to be reversed grants, all but writing clerks files.

6. And whereas the present wars have drawne on great violences on both parts, and that if leave were given to the bringing all sorts of private animosities would probably continue that have been too long a foot, and the publick disturbances last; for the quieting and settling therefore of this kingdom, and avoiding those inconveniencies which would bee the necessary consequence of the contrary, noe person or persons whatsoever comprised in the aforesaid articles shall be sued, molested or impleaded att the suite of any party or parties whatsoever, for any trespasses by them committed, or for any armes, horses, money, goods, chattels, merchandizes or provisions whatsoever by them seized or taken during the tyme of the war, and noe person or persons whatsoever in the second or third articles comprised shall be sued, impleaded or made accountable for the rents or meane rates of any lands, tenements or houses by him or them reed or enjoyed in this kingdom since the beginning of the present war to the day of the date hereof, or for any wast or trespass by him or them committed in any such lands, tenements or houses. And it is alsoe agreed that this article shall be mutual and recipocall on both sides.

7. Every nobleman & gentleman comprised in the said second and third article shall have libty to ride with a sword and case of pistols if they think fit, & keep a gunn in their houses for the defence of the same, or for fowling.

8. The

8. The inhabitants & residents in the city of Limerick & other garrisons shall be permitted to remove their goods, chatties & provisions out of y^e same, without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the houses or lodgings they now have for the space of six weeks next ensuing the date hereof.

9. The oath to be administered to such Roman Catholicks as submit to their Majesties Government shall be the oath abovesaid, and noe other.

10. No peon or persons who shall att any tyme hereafter breake these articles, or any of them, shall hereby make or cause any other peon or persons to forfeite or loose the benefit of the same.

11. The lords justices and generall doe promise to use their utmost endeavours that all the persons comprehended in y^e above-mentioned articles shall be pected and defended from all arrests and executions for debt and damage for the space of eight months next ensuing the date hereof.

12. Lastly, y^e lords justices and generall doe undertake that their Ma^{ties} will ratify these articles within the space of eight months or sooner, and use their utmost endeavours that the same shall be ratified and confirmed in Parliament.

13. And whereas Colonel John Browne stood indebted to severall ptestants by judgment of record, which appearing to the late Govern^r, the Lord Tyreconnell and Lord Lucan took away y^e effects the said John Browne had to answer the said debts, and promised to clear the said John Browne of the said debts, which effects were taken for the publick use of the Irish and their army; for freeing the said Lord Lucan of his said engagement past on their publique account, for payment of the said ptestants, & for preventing y^e ruine of the said John Browne, & for satisfaction of his creditores att y^e instance of the Lord Lucan & the rest of the persons aforesaid; it is agreed that the said lords justices & the said Baron de Ginkell shall intercede with the King and Parliam^t to have the estates secured to Roman Catholicks by articles & capitulation in this kingdom, charged with & equally lyable to the payment of soe much of the said debts as the said Lord Lucan upon stating accounts with the said John Browne shall certifye under his hand that the effects taken from the said Browne amount unto, which account is to be stated, and the balance certified by the said Lord Lucan in one and twenty days after the date hereof: for the true performance whereof, wee have hereunto sett our hands.

Present,

Scrivenore,
H. Mackay,
T. Talbot,

Char. Porter,
Tho. Cuningebly,
Baron de Ginkell.

AND WHEREAS the said city of Limerick hath been since in pursuance of the said articles surrendered unto us; now know yee that Wee, having considered of the said articles, are graciously pleased hereby to declare, that Wee doe for us our heires and successors, as far as in us lyes, ratify & confirme the same, and every clause, matter and thing therein conteyned; and as to such parts thereof for which an Act of Parliam^t shall be found to be necessary, Wee shall recommend the same to be made good by Parliament, and shall give our Royall assent to any bill or bills that shall be passed by our two Houses of Parliament to that purpose. And whereas it appears unto us that it was agreed between the parties to the said articles, that after the words Limerick, Clare, Kerry, Corke, Mayo, or any of them in the second of the said articles, the words following; viz^t and all such as are under their pteccion in the said countreyes, should be inserted and be part of the said articles; which words having been casually omitted by y^e writer, y^e omission was not discovered till after y^e said articles were signed, but was taken notice of before the second towne was surrendered, and that our said justices and generall or one of them did perceive that the said clause should be made good, it being within the intention of the capitulation & inserted in the foule draught thereof; our further will and pleasure is, and Wee doe hereby ratify and confirme the said omitted words; (viz^t) and all such as are under their pteccion in the said countreyes, hereby for us our heires and successors ordaining and *decreeing that all and every peon & persons therein concerned shall and may have, receive and enjoy the benefit thereof in such & the same manner as if the said words had been inserted in their pper place in the said second article, any omission, defect or mistake in the said second article in any wise notwithstanding: Provided alwayes, & our will & pleasure is, that these our letters

* So as roll.

TREATY OF LIMERICK, IN THE YEAR 1691.

patents shall be enrolled in our Court of Chancery in our said kingdom of Ireland within the space of one yeare next ensuing. In witnesse whereof Wee have caused these our letters to be made patent.

WITNESSE ourselves at Westminster, y^e foure & twentieth day of february, in the fourth yeare of our reign.

SNOW.

Per Brē de privato Sigillo.

Irrot' Scato die Feb' An' Rēi Gulielm & Maria quarto.

Holls Office, }
12th March 1828. }

R. Wogan,
Dr K. of the Rolls.

Rolls Office, Ireland.

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Copy of the Letters Patent whereby the Civil Articles for the Surrender of the Treaty of Limerick, in the Year 1691, were ratified and exemplified by King William the Third and Queen Mary.

Ordered by The House of Commons, to be Printed,
20 March 1728.